

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARIO LUVIANOS, et al.,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. H-12-1067
	§	
GRATIS CELLULAR, INC. and	§	
VIKAS ANAND,	§	
	§	
Defendants.	§	

**ORDER ADOPTING MAGISTRATE JUDGE'S AMENDED
MEMORANDUM AND RECOMMENDATION**

Having reviewed the Magistrate Judge's Amended Memorandum and Recommendation entered on December 10, 2012,¹ the court is of the opinion that said Amended Memorandum and Recommendation should be **ADOPTED**.

It is, therefore, **ORDERED** that the Amended Memorandum and Recommendation is hereby **ADOPTED** by this court.

A class is conditionally certified for:

Customer service/sales representatives who worked for Defendants at Defendants' locations in Texas or Maryland at any time between February 24, 2009, and February 24, 2012, and who were not paid overtime pay at a rate of at least one and one-half times their regular rate for hours worked in excess of forty hours in any given workweek. Individuals employed only in a managerial position (Area Manager, District Manager, Store Manager) and/or as an outside sales agent during this period are excluded from the class.

The certification notice should issue in a form consistent with the Amended Memorandum and Recommendation within the time period

¹ The parties filed no objections to the Amended Memorandum and Recommendation.

allotted therein.

The Clerk shall send copies of this Order to the respective parties.

SIGNED at Houston, Texas, this 28th day of December, 2012.

A handwritten signature in black ink, appearing to read "Sim Lake", is written over a horizontal line.

SIM LAKE
UNITED STATES DISTRICT JUDGE